

INDIANA ELECTION COMMISSION

JANUARY 24, 2002 MINUTES

MEMBERS PRESENT: Dudley Cruca, Chairman, Indiana Election Commission (“the Commission”); Michael Ricketts, Proxy for S. Anthony Long, Vice-Chairman of the Commission; Tim Henderson, Proxy for Butch Morgan, Member of the Commission; Eric Koch, Proxy for Joseph M. Perkins, Jr., Member of the Commission

MEMBERS ABSENT: S. Anthony Long, Vice-Chairman of the Commission; Butch Morgan, Member of the Commission; Joseph M. Perkins, Jr., Member of the Commission

STAFF ATTENDING: Laurie Christie, Co-Director of the Indiana Election Division of the Office of the Indiana Secretary of State (“the Election Division”); Spencer Valentine, Co-Director of the Election Division; Kristi Robertson, Co-General Counsel of the Election Division; Dale Simmons, Co-General Counsel of the Election Division; Michelle Brzycki, Precincts and Voter Registration Coordinator; Lori Hershberger, Precincts and Voter Registration Coordinator

OTHERS ATTENDING: Mr. Rudy Clay (City Chairman, Gary Democratic Party); Ms. Melissa Conrad (Office of the Mayor of Indianapolis); The Honorable Philip J. Estridge, Henry County Commissioner; Ms. Michelle Fajman (Lake County Board of Elections and Registration, hereafter “Lake County Election Board”); Ms. Elsie Franklin (Vice-Chair, Lake County Democratic Party); Mr. Jewell G. Harris, Sr., (Lake Election Board); Mr. Joseph M. Hero; Mr. Matthew T. Klein (Kroger, Gardis & Regos, LLP); Mr. Andrew Klineman (Ice Miller); Mr. Frank Kollintzas (City of East Chicago); Ms. Sally LaSota (Director of the Lake County Election Board) Ms. Nancy Marcum (Henry County Voter Registration Deputy); Ms. Patty Moore (First Deputy, Johnson County Voter Registration); Mr. J. Justin Murphy (Lake County Election Board); The Honorable Kathy Richardson, Indiana State Representative; Ms. Amy Richhart (Johnson County Voter Registration Deputy); Mr. Mark Stratton (Office of Census Data); Mr. Steve Walsh (Gary *Post-Tribune*)

1. CALL TO ORDER:

The Chair called the January 24, 2002 public session of the Indiana Election Commission to order at 4:42 p.m. in Indiana Government Center South Training Center Room 5, 402 West Washington Street, Indianapolis, Indiana.

The Chair noted the presence of a quorum of Commission members, and that three members (Mr. Long, Mr. Morgan, and Mr. Perkins) were represented by proxies. The Chair noted that documents designating Mr. Ricketts, Mr. Henderson, and Mr. Koch to serve as proxies for these members had been filed with the Election Division as of this date, and were incorporated by reference in these minutes.

The Chair stated that proper notice of this meeting had been given under the Indiana Open Door Law. Mr. Hero questioned whether proper legal notice of the meeting of the Lake County Board of Elections and Registration (which had resulted in precinct boundary changes for Lake County being submitted to the Commission) been given. The Chair indicated that this objection could be raised when the Commission considered Lake County's precinct changes.

2. ESTABLISHING PRECINCTS:

The Chair recognized Ms. Hershberger, who noted that Commission members had received recommendations signed by Co-Directors Christie and Valentine, and dated January 22, 23 or 24, 2002, that the proposed precinct boundary changes in the following counties be approved: Dearborn; Decatur; Dubois; Fountain; Franklin; Johnson; Miami; Montgomery; Ohio; Wabash; Washington; and Wayne. Copies of these recommendations are incorporated by reference in these minutes. Ms. Hershberger responded to questions from Commission members concerning these county submissions. The Chair recognized Mr. Stratton, who explained the duties of the Office of Census Data.

A. Dearborn County:

After reviewing the document submitted in this matter, the Chair moved, seconded by Mr. Koch, that the proposed precinct boundary change order for Dearborn County be approved as submitted. Mr. Henderson stated that he planned to abstain at this time. There being no further discussion, the chair called the question, and with two members voting aye (Cruea and Koch), two members abstaining (Henderson and Ricketts), and no member voting nay, declared that the motion had failed for lack of a majority.

B. Washington County:

After reviewing the document submitted in this matter, the Chair moved, seconded by Mr. Koch, that the proposed precinct boundary change order for Johnson County be approved as submitted. There being no further discussion, the chair called the question, and with two members voting aye (Cruea and Koch), two members abstaining (Henderson and Ricketts), and no member voting nay, declared that the motion had failed for lack of a majority.

C. Johnson County:

After reviewing the document submitted in this matter, the Chair moved, seconded by Mr. Koch, that the proposed precinct boundary change order for Johnson County be approved as submitted. There being no further discussion, the chair called the question, and with two members voting aye (Cruea and Koch), two members abstaining (Henderson and Ricketts), and no member voting nay, declared that the motion had failed for lack of a majority.

D. Lake County:

The Chair recognized the Co-Directors, who stated that the Election Division has no recommendation regarding the proposed precinct boundary change order for Lake County.

The Chair noted for the record that the following documents had been provided to the Commission, and were incorporated by reference into these minutes: (1) a fax received by the Election Division on January 15, 2002 from Roger M. Chiabai, the Chairman of the Lake County Board of Elections and Registration (hereafter “the Lake County Election Board”), which included three documents captioned “Amended Order Establishing Precincts” for the cities of East Chicago, Gary, and Hammond, respectively; (2) a fax received by the Election Division on January 16, 2002 from Assistant Director Lance E. Ryskamp of the Lake County Election Board, which included a document captioned “Amended Order Establishing Precincts” for Lake County; (3) a fax received by the Election Division on January 16, 2002, captioned “Notice of Precinct Boundary Changes”; (4) a letter received by the Election Division on January 17, 2002 from Stephen R. Stiglich, Chairman of the Lake County Democratic Central Committee; (5) a fax received by the Election Division on January 17, 2002 from James L. Wieser of WIESER & STERBA; (6) a fax received by the Election Division on January 16, 2002 from Joseph M. Hero; (7) a fax received by the Election Division on January 17, 2002 from Tommy Berry, Precinct Committeeman, Precinct G2-19; (8) a document captioned “Amended Appeal; Appeal and Remonstrance Against the Lake County Board of Elections and Registration January 19, 2002 Decisions to Change Precincts in Lake County”, submitted by Joseph M. Hero; (9) a fax received by the Election Division on January 23, 2002 from Joel H. Harris, Democratic Captain, Gary Fifth District Precinct Organization; and (10) a letter received by the Election Division on January 24, 2002 from Jeffrey Q. Williams, Executive Director, Gary Chamber of Commerce.

After Commission members reviewed the documents submitted in this matter, the Chair recognized those present who wished to testify concerning the proposed submission of Lake County precinct boundary changes.

Mr. Hero questioned the jurisdiction of the Commission to proceed in this matter, for the reasons set forth in his “Amended Appeal.”

Mr. Murphy stated that the Lake County Election Board met on Tuesday, January 15, 2002, to approve these changes, following proper notice of the meeting.

Mr. Harris, a member of the Lake County Election Board, stated that he was opposed to the proposed precinct changes in Gary, but did not care about the proposed changes in East Chicago or Hammond.

Mr. Murphy noted that under this proposal, 20 precincts in the City of Gary, would be combined to form 10 precincts, and that the total of 140 active precincts in the City of Gary would be reduced to 130 active precincts, plus one non-voting precinct.

Mr. Murphy noted that under this proposal, the City of Hammond contained three precincts whose boundaries would be changed, with 6 current precincts being combined to form 3 precincts. Mr. Hero stated that 8 precincts in the City of Hammond would be combined to form 4 precincts under this proposal.

Mr. Murphy noted that under this proposal, the City of East Chicago would contain one additional precinct needed due to population shifts, and that the total of precincts in the City of East Chicago would be 32 under this proposal.

There being no additional testimony, the Commission closed the hearing conducted in this matter.

E. Henry County:

The Chair recognized the Co-Directors, who stated that the Election Division has no recommendation regarding the proposed precinct boundary change order for Lake County.

The Chair noted for the record that the following documents had been provided to the Commission, and were incorporated by reference into these minutes: (1) a fax received by the Election Division on January 22, 2002 from Linda S. Ratcliff, Henry County Circuit Court Clerk; and (2) a fax received by the Election Division on January 15, 2002 from Steve A. Clerk, Democrat County Chair, Henry County.

After Commission members reviewed the documents submitted in this matter, the Chair recognized those present who wished to testify concerning the proposed submission of Henry County precinct boundary changes.

Mr. Estridge responded to the complaint filed by Mr. Clark, and urged the Commission to approve the proposed precinct changes in Henry County.

There being no additional testimony, the Commission closed the hearing conducted in this matter.

F. Shelby County:

The Chair noted for the record that a fax received by the Election Division on January 22, 2002 from Catherine A. Laird, Shelby County Circuit Court Clerk had been provided to the Commission and is incorporated by reference in these minutes.

G. Approval of proposed precinct boundary orders:

Mr. Henderson moved, seconded by Mr. Ricketts, that the following proposed precinct boundary change orders be approved as submitted: (1) the City of East Chicago only, within Lake County; (2) Dearborn County; (3) Decatur County; (4) Dubois County; (5)

Fountain County; (6) Franklin County; (7) Johnson County; (8) Miami County; (9) Montgomery County; (10) Ohio County; (11) Wabash County; (12) Washington County; and (13) Wayne County.

There being no further discussion, the chair called the question, and with three members voting aye (Henderson, Koch, and Ricketts), and one member voting nay (Cruea), declared that the motion had been adopted.

The Chair moved, seconded by Mr. Koch, that the following proposed precinct boundary change orders be approved as submitted: (1) Blackford County; (2) Hancock County; (3) Henry County; (4) Huntington County; (5) Jennings County; (6) Ripley County; (7) Randolph County; and (8) Shelby County.

There being no further discussion, the chair called the question, and with two members voting aye (Cruea and Koch), two members abstaining (Henderson and Ricketts), and no member voting nay, declared that the motion had failed for lack of a majority.

3. ADJOURNMENT:

Mr. Henderson moved, seconded by Mr. Koch, that the Commission do now adjourn. The chair called the question, and with four members voting aye (Cruea; Henderson; Koch; Ricketts) and no member voting nay, declared the motion adopted unanimously. The Commission then adjourned at 6:13 p.m.

Respectfully submitted,

J. Bradley King
Co-Director

Kristi Robertson
Co-Director

APPROVED:

Thomas E. Wheeler, II
Chairman